
HOUSE BILL No. 1150

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-13-2-139; IC 9-25-4-7; IC 9-26; IC 9-30; IC 35-33-1-1.

Synopsis: Proof of financial responsibility in an auto accident. Requires the owner or operator of a motor vehicle involved in an accident to provide to the other party, upon request, proof of financial responsibility. Makes failure to comply with the requirement a Class B infraction.

Effective: July 1, 2007.

Murphy

January 11, 2007, read first time and referred to Committee on Judiciary.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

HOUSE BILL No. 1150

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-13-2-139 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 139. "Proof of financial
3 responsibility", for purposes of IC 9-25 **and IC 9-26-1**, has the
4 meaning set forth in IC 9-25-2-3.

5 SECTION 2. IC 9-25-4-7 IS AMENDED TO READ AS FOLLOWS
6 [EFFECTIVE JULY 1, 2007]: Sec. 7. Proof of financial responsibility,
7 when required under this article **or IC 9-26-1**, may be given by any of
8 the following methods:

9 (1) Proof that a policy or policies of motor vehicle liability
10 insurance have been obtained and are in full force and effect.

11 (2) Proof that a bond has been duly executed.

12 (3) Proof that deposit has been made of money or securities.

13 SECTION 3. IC 9-26-1-1, AS AMENDED BY P.L.210-2005,
14 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2007]: Sec. 1. **(a)** The driver of a vehicle involved in an
16 accident that results in the injury or death of a person shall do the
17 following:

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(1) Immediately stop the vehicle at the scene of the accident or as close to the accident as possible in a manner that does not obstruct traffic more than is necessary.

(2) Immediately return to and remain at the scene of the accident until the driver does the following:

(A) Gives the driver's name and address and the registration number of the vehicle the driver was driving.

(B) Upon request, exhibits the driver's license of the driver to the following:

(i) The person struck.

(ii) The driver or occupant of or person attending each vehicle involved in the accident.

(C) Determines the need for and renders reasonable assistance to each person injured in the accident, including the removal or the making of arrangements for the removal of each injured person to a physician or hospital for medical treatment.

(3) Immediately give notice of the accident by the quickest means of communication to one (1) of the following:

(A) The local police department if the accident occurs within a municipality.

(B) The office of the county sheriff or the nearest state police post if the accident occurs outside a municipality.

(4) Within ten (10) days after the accident, forward a written report of the accident to the:

(A) state police department, if the accident occurs before January 1, 2006; or

(B) bureau, if the accident occurs after December 31, 2005.

(b) The owner or operator of a vehicle described in subsection (a) shall provide to another person involved in the accident, upon the other person's request, proof of financial responsibility for any liability of the owner or operator resulting from the accident.

SECTION 4. IC 9-26-1-2, AS AMENDED BY P.L.210-2005, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) The driver of a vehicle involved in an accident that does not result in injury or death of a person but that does result in damage to a vehicle that is driven or attended by a person shall do the following:

(1) Immediately stop the vehicle at the scene of the accident or as close to the accident as possible in a manner that does not obstruct traffic more than is necessary.

(2) Immediately return to and remain at the scene of the accident until the driver does the following:

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- 1 (A) Gives the driver's name and address and the registration
 2 number of the vehicle the driver was driving.
 3 (B) Upon request, exhibits the driver's license of the driver to
 4 the driver or occupant of or person attending each vehicle
 5 involved in the accident.
 6 (3) If the accident results in total property damage to an apparent
 7 extent of at least one thousand dollars (\$1,000), forward a written
 8 report of the accident to the:
 9 (A) state police department, if the accident occurs before
 10 January 1, 2006; or
 11 (B) bureau, if the accident occurs after December 31, 2005;
 12 within ten (10) days after the accident.
 13 **(b) The owner or operator of a vehicle described in subsection**
 14 **(a) shall provide to another person involved in the accident, upon**
 15 **the other person's request, proof of financial responsibility for any**
 16 **liability of the owner or operator resulting from the accident.**
 17 SECTION 5. IC 9-26-1-2.5 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2.5. Only the following
 19 must be included in the written report prepared under sections ~~1(4)~~
 20 **1(a)(4)** and ~~2(3)~~ **2(a)(3)** of this chapter by the driver of a motor vehicle
 21 involved in an accident:
 22 (1) The name and address of the driver preparing the report.
 23 (2) The date of the accident.
 24 (3) The names and addresses of the drivers of the other vehicles
 25 involved in the accident.
 26 (4) If, on the date of the accident, a motor vehicle liability policy
 27 was in effect with respect to the motor vehicle driven by the
 28 driver preparing the report, the following:
 29 (A) The policy number.
 30 (B) The name of the insurance company that issued the policy.
 31 (C) The name and signature of an agent of the insurance
 32 company, who by signing the report verifies that the policy
 33 was in effect with respect to the motor vehicle on the date of
 34 the accident.
 35 SECTION 6. IC 9-26-1-4 IS AMENDED TO READ AS FOLLOWS
 36 [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) The driver of a vehicle that
 37 causes damage to the property of another person, other than damage to
 38 a vehicle, shall do the following:
 39 (1) Immediately stop the vehicle at the scene of the accident or as
 40 close to the accident as possible in a manner that does not
 41 obstruct traffic more than is necessary.
 42 (2) Immediately return to and remain at the scene of the accident

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until the driver does the following:

(A) Takes reasonable steps to locate and notify the owner or person in charge of the property of the damage.

(B) Gives the person the driver's name and address and the registration number of the vehicle.

(C) Upon request, exhibits the driver's license of the driver if the driver is required to have a driving license to operate the vehicle.

(b) If after reasonable inquiry the driver of the vehicle cannot find the owner or person in charge of the damaged property, the driver of the vehicle shall do the following:

(1) Notify either the sheriff of the county in which the damaged property is located or a member of the state police department.

(2) Give the sheriff or state police department the information required by this section.

(c) The owner or operator of a vehicle described in subsection (a) shall provide to the person in charge of the damaged property, upon the person's request, proof of financial responsibility for any liability of the owner or operator for the property damage.

SECTION 7. IC 9-26-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) A person who fails to stop or comply with section ~~1(1)~~ **1(a)(1)** or ~~1(2)~~ **1(a)(2)** of this chapter after causing injury to a person commits a Class A misdemeanor. However, the offense is:

(1) a Class D felony if:

(A) the accident involves serious bodily injury to a person; or

(B) within the five (5) years preceding the commission of the offense, the person had a previous conviction of any of the offenses listed in IC 9-30-10-4(a); and

(2) a Class C felony if the accident involves the death of a person.

(b) A person who fails to stop or comply with section 3, ~~or 4(a)~~, **or 4(b)** of this chapter after causing damage to the property of another person commits a Class B misdemeanor.

(c) A person who fails to provide proof of financial responsibility as required under section (1)(b), 2(b), or 4(c) of this chapter commits a Class B infraction.

SECTION 8. IC 9-26-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. A person who violates section ~~1(3); 2(1); or 2(2)~~ **1(a)(3), 2(a)(1), or 2(a)(2)** of this chapter commits a Class C misdemeanor.

SECTION 9. IC 9-26-1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. The bureau shall,

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after proper notice is given and a hearing held, revoke or suspend the driver's license of a person who fails to make a report required under section ~~1(4), 2(3)~~, **1(a)(4), 2(a)(3)**, or 5 of this chapter.

SECTION 10. IC 9-26-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) This section does not apply to the removal of a vehicle that constitutes a traffic hazard.

(b) The driver of a vehicle that is used to remove a vehicle that caused damage to real or personal property, except a vehicle of another person as described in IC 9-26-1-4, shall give the notification required by ~~IC 9-26-1-4~~ **IC 9-26-1-4(a) or IC 9-26-1-4(b)** before removing the vehicle that caused the damage.

SECTION 11. IC 9-26-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. A law enforcement officer may, without a warrant, arrest a person for a violation of ~~IC 9-26-1-1(1); IC 9-26-1-1(2); IC 9-26-1-2(1); IC 9-26-1-2(2);~~ **IC 9-26-1-1(a)(1), IC 9-26-1-1(a)(2), IC 9-26-1-2(a)(1), IC 9-26-1-2(a)(2), IC 9-26-1-3, or IC 9-26-1-4 **IC 9-26-1-4(a), or IC 9-26-1-4(b)** if the law enforcement officer has reasonable cause to believe that the violation was committed by the person.**

SECTION 12. IC 9-30-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. A law enforcement officer may, without a warrant, arrest a person in case of violations of:

- (1) ~~IC 9-26-1-1(1); IC 9-26-1-1(2); IC 9-26-1-2(1); IC 9-26-1-2(2);~~ **IC 9-26-1-1(a)(1), IC 9-26-1-1(a)(2), IC 9-26-1-2(a)(1), IC 9-26-1-2(a)(2), IC 9-26-1-3, or IC 9-26-1-4; IC 9-26-1-4(a), or IC 9-26-1-4(b);** and

- (2) IC 9-30-5 if the violation of IC 9-30-5 is coupled with an accident;

when the law enforcement officer has reasonable cause to believe that the violation was committed by the person. The procedure prescribed in this section is not the only method prescribed by law for the arrest and prosecution of a person for an offense of similar grade.

SECTION 13. IC 9-30-10-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) A person who has accumulated at least two (2) judgments within a ten (10) year period for any of the following violations, singularly or in combination, not arising out of the same incident, and with at least one (1) violation occurring after March 31, 1984, is a habitual violator:

- (1) Reckless homicide resulting from the operation of a motor vehicle.
- (2) Voluntary or involuntary manslaughter resulting from the operation of a motor vehicle.

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(3) Failure of the driver of a motor vehicle involved in an accident resulting in death or injury to any person to stop at the scene of the accident and give the required information and assistance.

(4) Operation of a vehicle while intoxicated resulting in death.

(5) Before July 1, 1997, operation of a vehicle with at least ten-hundredths percent (0.10%) alcohol in the blood resulting in death.

(6) After June 30, 1997, and before July 1, 2001, operation of a vehicle with an alcohol concentration equivalent to at least ten-hundredths (0.10) gram of alcohol per:

(A) one hundred (100) milliliters of the blood; or

(B) two hundred ten (210) liters of the breath; resulting in death.

(7) After June 30, 2001, operation of a vehicle with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per:

(A) one hundred (100) milliliters of the blood; or

(B) two hundred ten (210) liters of the breath; resulting in death.

(b) A person who has accumulated at least three (3) judgments within a ten (10) year period for any of the following violations, singularly or in combination, not arising out of the same incident, and with at least one (1) violation occurring after March 31, 1984, is a habitual violator:

(1) Operation of a vehicle while intoxicated.

(2) Before July 1, 1997, operation of a vehicle with at least ten-hundredths percent (0.10%) alcohol in the blood.

(3) After June 30, 1997, and before July 1, 2001, operation of a vehicle with an alcohol concentration equivalent to at least ten-hundredths (0.10) gram of alcohol per:

(A) one hundred (100) milliliters of the blood; or

(B) two hundred ten (210) liters of the breath.

(4) After June 30, 2001, operation of a vehicle with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per:

(A) one hundred (100) milliliters of the blood; or

(B) two hundred ten (210) liters of the breath.

(5) Operating a motor vehicle while the person's license to do so has been suspended or revoked as a result of the person's conviction of an offense under IC 9-1-4-52 (repealed July 1, 1991), IC 9-24-18-5(b) (repealed July 1, 2000), IC 9-24-19-3, or IC 9-24-19-5.

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(6) Operating a motor vehicle without ever having obtained a license to do so.

(7) Reckless driving.

(8) Criminal recklessness involving the operation of a motor vehicle.

(9) Drag racing or engaging in a speed contest in violation of law.

(10) Violating IC 9-4-1-40 (repealed July 1, 1991), IC 9-4-1-46

(repealed July 1, 1991), ~~IC 9-26-1-1(1)~~, ~~IC 9-26-1-1(2)~~,

~~IC 9-26-1-1(4)~~, ~~IC 9-26-1-2(1)~~, ~~IC 9-26-1-2(2)~~,

IC 9-26-1-1(a)(1), IC 9-26-1-1(a)(2), IC 9-26-1-1(a)(4),

IC 9-26-1-2(a)(1), IC 9-26-1-2(a)(2), IC 9-26-1-3, or

~~IC 9-26-1-4~~, IC 9-26-1-4(a), or IC 9-26-1-4(b).

(11) Any felony under an Indiana motor vehicle statute or any felony in the commission of which a motor vehicle is used.

A judgment for a violation enumerated in subsection (a) shall be added to the violations described in this subsection for the purposes of this subsection.

(c) A person who has accumulated at least ten (10) judgments within a ten (10) year period for any traffic violation, except a parking or an equipment violation, of the type required to be reported to the bureau, singularly or in combination, not arising out of the same incident, and with at least one (1) violation occurring after March 31, 1984, is a habitual violator. However, at least one (1) of the judgments must be for a violation enumerated in subsection (a) or (b). A judgment for a violation enumerated in subsection (a) or (b) shall be added to the judgments described in this subsection for the purposes of this subsection.

SECTION 14. IC 35-33-1-1, AS AMENDED BY P.L.50-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) A law enforcement officer may arrest a person when the officer has:

(1) a warrant commanding that the person be arrested;

(2) probable cause to believe the person has committed or attempted to commit, or is committing or attempting to commit, a felony;

(3) probable cause to believe the person has violated the provisions of ~~IC 9-26-1-1(1)~~, ~~IC 9-26-1-1(2)~~, ~~IC 9-26-1-2(1)~~, ~~IC 9-26-1-2(2)~~, **IC 9-26-1-1(a)(1), IC 9-26-1-1(a)(2), IC 9-26-1-2(a)(1), IC 9-26-1-2(a)(2), IC 9-26-1-3, ~~IC 9-26-1-4~~, IC 9-26-1-4(a), IC 9-26-1-4(b), or IC 9-30-5;**

(4) probable cause to believe the person is committing or attempting to commit a misdemeanor in the officer's presence;

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(5) probable cause to believe the person has committed a:

(A) battery resulting in bodily injury under IC 35-42-2-1; or

(B) domestic battery under IC 35-42-2-1.3.

The officer may use an affidavit executed by an individual alleged to have direct knowledge of the incident alleging the elements of the offense of battery to establish probable cause;

(6) probable cause to believe that the person violated IC 35-46-1-15.1 (invasion of privacy);

(7) probable cause to believe that the person violated IC 35-47-2-1 (carrying a handgun without a license) or IC 35-47-2-22 (counterfeit handgun license);

(8) probable cause to believe that the person is violating or has violated an order issued under IC 35-50-7;

(9) probable cause to believe that the person is violating or has violated IC 35-47-6-1.1 (undisclosed transport of a dangerous device); or

(10) probable cause to believe that the person is:

(A) violating or has violated IC 35-45-2-5 (interference with the reporting of a crime); and

(B) interfering with or preventing the reporting of a crime involving domestic or family violence (as defined in IC 34-6-2-34.5).

(b) A person who:

(1) is employed full time as a federal enforcement officer;

(2) is empowered to effect an arrest with or without warrant for a violation of the United States Code; and

(3) is authorized to carry firearms in the performance of the person's duties;

may act as an officer for the arrest of offenders against the laws of this state where the person reasonably believes that a felony has been or is about to be committed or attempted in the person's presence.

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